

DOCKET NO: D5716CIP3

COMBINED DECLARATION AND POWER OF ATTORNEY

Staley A. Brod, as the below-named inventor, hereby declares that: his residence, post office address and citizenship are as stated below next to his name; he believes he is the original, first and only inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD OF TREATING AUTO-IMMUNE DISEASES USING TYPE ONE INTERFERONS**, the specification of which:

X is filed herewith.

— was described and claimed in PCT International Application No. _____
— filed on _____ and as amended under PCT Article 19 on _____.

He hereby states that he has reviewed and understands the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. He acknowledges the duty to disclose all information he knows to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a), including information which became known to him between the filing date of the prior application and the national or PCT international filing date of this patent application.

He hereby appoints the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Dr. Martin L. McGregor, Registration No. 29,239, Dr. Benjamin Adler, Registration No. 35,423 and Sarah J. Brashears, Registration No. 38,087. Address all telephone calls to telephone number 713/777-2321. Address all correspondence to, McGREGOR & ADLER, 8011 Candle Lane, Houston, TX 77071.

He hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: STALEY A. BROD

Inventor's Signature: Staley A. Brod Date: 4/21/97

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Citizen of: United States of America

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Applicant or Patentee: 3AO Attorney's PA
Serial or Patent No.: Docket No.: DS 716 C 103

Filed or Issued: April 21, 1997

For: Method of Treating Auto-Immune Diseases Using Type One Interferon

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official of the nonprofit organization empowered to act on behalf of the concern identified below:

NAME OF ORGANIZATION: Research Development Foundation

ADDRESS OF CONCERN: 402 North Division Street

Carson City, Nevada 89703

TYPE OF ORGANIZATION:

TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3))

I hereby declare that the above identified nonprofit organization qualifies as a nonprofit organization as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above with regard to the invention, entitled Method of Treating Auto- by inventor(s) STANLEY A. BROD described in Immune Disease Using Type One Interferon

the specification filed herewith

application serial no. _____, filed _____

patent no. _____, issued _____

If the rights held by the above identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: JAMES F. WEILER

TITLE OF PERSON OTHER THAN OWNER: VICE PRESIDENT

ADDRESS OF PERSON SIGNING ONE RIVERWAY, SUITE 1560, HOUSTON, TEXAS 77056

SIGNATURE: James F. Weiler

DATE: 4/21/97